

Applicant : Taka Aki Sato
Serial No.: 09/809,902
Filed : March 16, 2001
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REMARKS

Claims 1-5, 7, 12, 13, 16, 21, 22 and 98-106 are pending in the subject application. By this Amendment, applicant has canceled claims 7 without prejudice. Claims 1, 16, 99 and 100 have been amended. Accordingly, claims 1-5, 12, 13, 16, 21, 22 and 98-106 will be pending and under examination in the subject application upon entry of this Amendment.

In view of the arguments below, applicant maintains that the Examiner's rejection has been overcome, and respectfully requests that it be withdrawn and the pending claims allowed.

Rejection Under 35 U.S.C. §112, First Paragraph

The Examiner rejected claims 1-5, 7, 12, 13, 16, 21-22 and 98-106 under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner stated that the claims lack written description because the specification as filed does not teach that applicant was in possession of a representative number of species of the genus of nucleic acid molecules that encode a Tumor necrosis factor Receptor-Associated Factor (TRAF) protein-interacting hereditary multiple extoses (TRES) protein. The Examiner further alleges that the claims as amended do not significantly alter the breadth of the claimed genus. The Examiner concedes that the

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claims are considered to be adequately described for human and mouse sequences.

In response, but without conceding the correctness of the Examiner's rejection, applicant notes that amended claims 1 and 16 fully address the Examiner's concerns. Accordingly, applicant maintains that claims 1-5, 12, 13, 16, 21, 22 and 98-106 are adequately supported by the disclosure and satisfy the requirements of 35 U.S.C. §112, first paragraph, and respectfully requests that the Examiner reconsider and withdraw the rejection.

Summary

In view of the arguments set forth above, applicant maintains that the Examiner's rejection has been overcome. Applicant respectfully requests that the Examiner reconsider and withdraw same, and earnestly solicits allowance of the pending claims.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorneys invite the Examiner to telephone them at the number provided below.

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No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Alan J. Morrison
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4/12/03
Date

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